

**MOUNT KISCO PLANNING BOARD**  
**Agenda**  
**Tuesday, January 10, 2017**  
**Planning Board Work Session 7:00 PM**  
**Meeting 7:30 PM**

**Minutes:**

- a. *April 26, 2016*
- b. *June 28, 2016*
- c. *August 9, 2016*
- d. *December 13, 2016*

**Formal Application:**

- a. **68 Woodland Street**  
**PB2016-0330, 80.49-1-11 (SBL)**  
**Site Plan**
  - *Draft Resolution, dated January 10, 2017*

**Special Discussion:**

- *Memorandum from Dibiase Filkoff Architect, Polaner Selections, 461 Lexington Avenue, dated December 30, 2016*
- *Memorandum from New York City DEP for Polaner Selections, 461 Lexington Avenue, dated December 28, 2016*
- *Memorandum from New York City DEP for The Hearth at Mount Kisco, dated December 14, 2016*

PLANNING BOARD RESOLUTION  
VILLAGE OF MOUNT KISCO

JAN 05 2017

RECEIVED

SITE PLAN APPROVAL

CHHIRING SHERPA  
68 WOODLAND STREET  
Section 80.49, Block 1, Lot 11  
Application No: PB2016-0330

DRAFT

January 10, 2017

**WHEREAS**, the subject property consists of 5,904 s.f. of land and is located at 68 Woodland Street within the RT-6 Zoning District (“the subject property”); and

**WHEREAS**, the subject property is developed with a 2-story frame residence, asphalt driveway, detached garage, and other ancillary residential improvements; and

**WHEREAS**, the subject property is owned by Chhiring and Phurba Sherpa (“the applicant”); and

**WHEREAS**, the applicant has made application for site plan approval to restore an unlawful, 3-family dwelling back to a 2-family dwelling (“the proposed action”); and

**WHEREAS**, the applicant has been issued a violation from the Building Inspector for work performed to the existing residence without the benefit of a Building Permit; and

**WHEREAS**, in accordance with Section 110-45A(1) of the Zoning Code, “site plan approval shall be required for all uses other than one-family residences and the buildings accessory thereto”; and

**WHEREAS**, in accordance with the Village’s site plan approval regulations, Section 110-45A(3) of the Zoning Code, “no building permit or change of use permit shall be issued for any building or use subject to this section until an approved site plan or amendment of any such site plan has been secured by the applicant and presented to the Building Inspector”; and

**WHEREAS**, no approved site plan of record exists for the subject property; and

**WHEREAS**, the Village’s off-street parking regulations require a minimum of two (2) off-street parking spaces per dwelling unit (four (4) spaces required); and

**WHEREAS**, Section 110-28D(2) of the Zoning Code states that “no parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk in order to vacate the space”; and

**WHEREAS**, while the subject property contains a detached garage and driveway, which can accommodate the required four (4) off-street parking spaces, vehicles must be parked in a tandem fashion, there is currently no turnaround area, and vehicles must back-out onto a public street; and

**WHEREAS**, the applicant provided an alternative attempting to address this issue by proposing two (2) new gravel parking spaces adjacent to the residence and perpendicular to the existing driveway. While the intention was to comply with the off-street parking regulations, this alternative further exacerbated a development coverage nonconformity (2,362 s.f. permitted/3,019 s.f. existing/3,330 s.f. proposed) and greatly reduced greenspace and the utility of the backyard; and

**WHEREAS**, given the fact that the existing off-street parking scheme is considered an existing nonconforming condition, that rectifying this condition would further exacerbate a development coverage nonconformity and would require a variance, that the installation of a turnaround or parking area would greatly diminish greenspace, and based upon staff recommendations, the Planning Board has concluded that the installation of the turnaround/parking area is not in the best interest of the applicant or neighborhood; and

**WHEREAS**, reference is made to an existing conditions survey entitled "Survey of Property Prepared for Chhiring Sherpa & Phurba Sherpa", prepared by David L. Odell, PLS, dated October 21, 2010; and

**WHEREAS**, reference is made to architectural floor plans prepared by Tim Dunphy, AIA entitled "Site Plan Application for Approval of Existing Two-Family Residence at 68 Woodland Street" (A-2); this plan is not dated but was stamped received by the Planning Board on September 20, 2016; and

**WHEREAS**, the submitted floor plan, referenced above, identifies the scope of interior work, interior layout, and the number of bedrooms (two (2) bedrooms per each dwelling unit); and

**WHEREAS**, reference is made to memorandums issued by the Building Inspector (dated May 17, 2016); the Village Engineer (dated December 7, 2016); and the Village Planner (dated May 18, 2016 and December 7, 2016); and

**WHEREAS**, the proposed action is a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA).

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board has determined that the submitted site plan is in substantial conformance with the requirements outlined under Section 110-45D of the Zoning Code; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby grants Site Plan Approval and approves the following site plan prepared by Tim Dunphy, AIA, dated (last revised) November 18, 2016, subject to the below conditions:

- “Site Plan Application for Approval of Existing Two-Family Residence at 68 Woodland Street” (S-1)

**BE IT FURTHER RESOLVED THAT**, unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution and shall be completed within one (1) year of commencement of construction.

**Conditions to be Satisfied Prior to the Signing of the Approved Site Plan:**

1. The site plan shall be revised to eliminate the “new gravel parking area” and shall identify this area as a continuation of the existing lawn, to the satisfaction of the Building Inspector. The gravel parking detail shall be removed from the site plan.
2. The zoning calculation(s) provided on the site plan shall be revised to reflect the required and existing conditions only and shall exclude any adjustments resulting from the previously considered gravel parking area.
3. The site plan shall be revised to illustrate a total of four (4) off-street parking spaces; two (2) within the detached garage and two (2) located immediately in front of the garage, to the satisfaction of the Building Inspector.
4. A note shall be added to the site plan which states: “This site plan represents the existing conditions and no exterior improvements are proposed.”
5. The applicant shall satisfy any outstanding written comments provided by the Building Inspector, Village Engineer and/or Village Planner.
6. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.
7. The applicant shall submit a “check set” (4 copies) of the site plan prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
8. The site plan shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the site plan, signed and sealed by the Design Professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman.

**Conditions to be Satisfied Prior to the Issuance of a Building Permit:**

9. The applicant shall satisfy the above conditions and the site plan shall be signed by Village staff and the Planning Board Chairman.

**Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:**

10. The Building Inspector shall confirm compliance with the approved site plan and all applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

**ADOPTION OF RESOLUTION**

**WHEREUPON**, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: \_\_\_\_\_

The motion was seconded by: \_\_\_\_\_

The vote was as follows:

<b>DOUGLAS HERTZ</b>	_____
<b>RALPH VIGLIOTTI</b>	_____
<b>ENRICO MARESCHI</b>	_____
<b>MICHAEL BONFORTE</b>	_____
<b>JOHN BAINLARDI</b>	_____
<b>WILLIAM POLESE</b>	_____
<b>JOHN HOCHSTEIN (ALT.)</b>	_____
<b>FRANK VITERITTI (ALT.)</b>	_____

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**Douglas Hertz**

**January 10, 2017**

**D I B I A S E F I L K O F F**  
**A R C H I T E C T S**

30 December 2016

Mr. Peter Miley, Building Inspector  
Village/Town of Mt Kisco  
104 Main Street,  
Mt Kisco, NY 10549

Re: 461 Lexington Ave, LCC, /Polaner Selections

Dear Mr. Miley,

We are forwarding to you revised Schematic Design Drawings of the 461 Lexington Ave project. The drawings are dated 30 December 2106 and include the following:

- T 1 Title Sheet
- A101 First Floor Plan & Second Floor Plan
- A102 Attic Floor Plan and Roof Plan
- A201 West & South Building Elevations
- A202 East and North Building Elevations
- SQ-FT Square Footage Floor Plans

As discussed, there exists a high ground water level at the site that would require costly measures to construct the Basement as originally proposed. We are therefore redesigning the project as follows:

1. Eliminate the Basement. Provide a slab on grade
2. Eliminate the flat roof. Provide a gabled roof with Attic floor.
3. Eliminate the 2 story Atrium space. Redesign the 2<sup>nd</sup> Floor.
4. Relocate Storage and Mechanical space originally proposed in the Basement to the new Attic Floor and redesigned 2<sup>nd</sup> Floor.

The Site Plan has not changed. The building footprint remains the same and there is no change in Building Coverage or Site Development Coverage. The square footage areas of Business Use and Storage Use have been modified with the total parking requirement of 18 spaces remaining unchanged. Building Height provided is less than the 30' maximum allowed.

**DI BIASE FILKOFF  
ARCHITECTS**

Peter Miley  
30 December 2016  
2 of 2

Please review the drawings including the Square Footage Calculations and Parking Requirement tabulations on Drawing SQ-FT. and let us know your comments. I would like to follow up with a phone call or a meeting to review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Armand Di Biase', written in a cursive style.

Armand Di Biase AIA

cc: Tina Fischer, Polaner Selections, via email  
Scott Blakely, Insite Engineering, via email



Environmental  
Protection

Village/Town of Mount Kisco  
Planning Board

December 28, 2016

DEC 30 2016

**RECEIVED**

Mr. Jeffrey Contelmo, P.E.  
Principal Engineer  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512

Vincent Sapienza P.E.  
Acting Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner  
Bureau of Water Supply  
prush@dep.nyc.gov

Re: Polaner Selections  
461 Lexington Avenue  
(T) Mount Kisco, (C) Westchester  
New Croton Reservoir Basin  
DEP Log #2016-CNC-0470-SP.1

465 Columbus Avenue  
Valhalla, New York 10595

T: (845) 340-7800  
F: (845) 334-7175

Dear Mr. Contelmo:

The New York City Department of Environmental Protection (DEP) determined that the above referenced application was complete on November 7, 2016. In response to the Stormwater Pollution Prevention Plan (SWPPP) and drawings received, the DEP offers the following comments which must be satisfactorily addressed prior to an approval.

A. SWPPP Report & Analysis:

1. The anticipated project start and completion dates shall be updated and the Notice of Intent (NOI) form and the SWPPP report revised to reflect the new date.
2. Please provide the date when the two-story residential structure and the one-story repair garage were demolished from the current site.
3. A portion of the curb along Lexington Avenue is proposed to be removed in order to facilitate access to the proposed project. Please consider pitching the driveway entrance in such a way that the post development runoff from Lexington Avenue flows just as it does currently. If runoff from Lexington Avenue will flow into the site through the proposed access, these flows must be included when sizing the stormwater management facilities.



4. The HydroCAD Stormwater Modeling System was used to model and assess the peak stormwater flows for the subject project, however a Type II, 24-hour was used. Please rerun HydroCAD using a Type III, 24-hour rainfall.
5. The proposed level spreader/velocity dissipater is shown at different locations on Drawing SP-2 versus Figure 3 which is included in the SWPPP report. Please revise for consistency.

**B. Plans/Details:**

1. The detail of the trench drain detail on Drawing D-1 must include the appropriate elevations and show the proposed 6-inch drainage pipe (DP).
2. A detail/cross-section of the proposed stormwater planter must be shown on the plans. The stormwater planter cross-section detail must comply with the New York State Stormwater Management Design Manual (SWMDM) and show the appropriate thickness of soil media and drainage layer.
3. The porous asphalt pavement detail shown on Drawing D-1 must be revised to comply with Chapter 5 in the SWMDM and show the appropriate thickness of choker layer.
4. A detail for the Curlex I Single Net Erosion Control Blanket must be provided on the drawings.
5. Please label the proposed "boulder wall" on all applicable drawings.

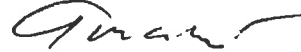
**C. Erosion and Sediment Control Plan/Construction Sequence:**

1. The construction sequence must include a note indicating that the applicant must schedule a pre-construction conference prior to the start of construction. Present at the meeting should be the applicant, the engineer, the contractor, and DEP staff. In addition, the applicant must notify DEP at least forty-eight (48) hours prior to the commencement of construction activity so that inspections can be scheduled by DEP.
2. Please indicate if the excavated soil will be reclaimed for further use (i.e., landscaping) or if it is being taken off-site.
3. Words such as "immediately", "temporarily", "as practicable", "periodic" should be replaced with feasible and specific time periods.
4. Please provide alternative stabilization methods for use in cold weather that are consistent with the requirements of "New York Standards and Specifications for Urban Erosion and Sediment Control."

5. All catch basins and manholes (as applicable) are to be protected using the stone and block inlet protection throughout the construction period and until all disturbed areas which drain to them are stabilized. The standard detail for stone & block inlet protection should be shown on the drawings.

If you have any questions, please do not hesitate to contact me at (914) 773-4411.

Sincerely,



Andreea A. Oncioiu  
Associate Project Manager II  
Regulatory & Engineering Programs

c: (V) Mount Kisco Planning Board - [planning@mountkisco.org](mailto:planning@mountkisco.org)  
Anthony Oliveri, P.E., Dolph Rotfeld Engineering PC - [anthony@drepc.com](mailto:anthony@drepc.com)  
Armand DeAngelis, NYS DEC - [armand.deangelis@dec.ny.gov](mailto:armand.deangelis@dec.ny.gov)



Environmental  
Protection

December 14, 2016

Mr. W. Charles Utschig Jr., P.E.  
Associate  
Langan Engineering, D.P.C.  
707 Westchester Avenue, Suite #304  
White Plains, NY 10604

Village/Town of Mount Kisco  
Planning Board

DEC 14 2016

RECEIVED

Vincent Sapienza P.E.  
Acting Commissioner

Re: The Hearth at Mount Kisco – *Technical Equivalency*  
Kisco Avenue  
Village of Mount Kisco, (C) Westchester County  
New Croton Reservoir Drainage Basin  
DEP Log #2006-CNC-1085-VA.1

Paul V. Rush, P.E.  
Deputy Commissioner  
Bureau of Water Supply  
prush@dep.nyc.gov

Dear Mr. Utschig:

465 Columbus Avenue  
Valhalla, New York 10595

T: (845) 340-7800  
F: (845) 334-7175

The New York City Department of Environmental Protection (DEP) received your October 21, 2016 letter submitted to support equivalence of certain stormwater management design elements to the technical standard for stormwater management design, namely, the New York State Stormwater Management Design Manual (Design Manual). As previously stated, equivalence to the technical standard must be demonstrated for four bioretention practices proposed to be built on slopes significantly greater than the 6% limiting slope incorporated in the physical feasibility matrix included in Chapter 7 of the Design Manual. It is understood that if sufficiently detailed information is incorporated in the equivalence discussion to demonstrate that the practices proposed on steep slopes can be constructed as designed and will function properly over time, technical equivalency may be demonstrated for this application.

Several potential failure mechanisms associated with locating bioretention practices on steep slopes were identified in DEP's August 26, 2016 comment letter. DEP reviewed the information included in your October 21, 2016 submission and met with representatives of your office on November 30, 2016 to discuss the information provided. Based on our discussions and review, DEP has determined that the 'constructability factor' due to limited work area and the 'the number and discharge locations of retaining wall footing drains', remain the two significant concerns for this project that have not been fully addressed in the material submitted to date.

With regard to constructability, it is anticipated that the construction sequence must be revised to demonstrate that the practices and associated steep slopes can be constructed as specified/designed given the limited work area. Per our November 30, 2016 meeting, DEP will meet with representative from your office to discuss revisions within the next few weeks.

Retaining wall footing drains were also discussed in our November 30, 2016 meeting. It is anticipated that appropriate revisions to the number of drains behind high retaining walls will be forthcoming in future submissions. In addition, outlets from these drains will be relocated so that the drains are not tributary to stormwater management practices.

The October 21, 2016 technical equivalence letter also addressed certain design and construction issues and long term inspection and maintenance of stormwater management practices. It is recommended that the following items be incorporated in the plans and maintenance checklists:

#### Proposed Design and Construction Practices

1. The 'Typical Fill Section in Area of Bioretention Areas 1 & 2 Detail' on Sheet C-503 shows fill material gradation tables for the proposed small rock fill, choke stone, and common backfill. As 'large rock fill' is also part of the proposed fill, please include a specification for 'large rock fill', on the same detail.
2. A 40mil PVC liner, by Colorado Lining International, between the bottom of the gravel for the bioretention and common fill as well as the bottom of the stormwater pond, is proposed. Please note that as per the manufacturer's recommendations, if groundwater is encountered, during and/or after construction, a French drain system under the lining that allows the water to flow laterally under the lining without floating the liner, should be considered. In addition, the 40mil PVC liner should be installed only on side slopes no steeper than 3:1.
3. To secure the edges of the 40mil lining, anchor trenches are proposed. The recommended dimensions for the anchor trenches are approximately two foot wide by two foot deep (2'x 2') and one foot back from the crest of the berm. The October 21, 2016 letter indicates the typical anchor trench to be 8 inches wide by one and a half foot deep (8"x 1.5'). The plans and report must incorporate the anchoring system in accordance to the manufacturer's specification. In addition, please provide a detail of the anchor trench on the appropriate drawings.
4. The retaining wall detail has been revised to replace the 2-inch diameter weep hole with a 4-inch diameter footing drain to collect and convey groundwater. Due to the length of the retaining walls, it is advisable to

place cleanouts every 100 feet on the proposed drains behind the walls, to allow for maintenance.

### Post Construction Inspection and Maintenance Checklist

The original Post-Construction Inspection Checklist and the Post-Construction Maintenance Document have been combined into one checklist and updated to increase the frequency of the inspections for each component of the stormwater management practice (SMP). Providing an increase in the frequency of the inspections for the proposed SMPs will help in ensuring that the appropriate maintenance is performed. However, additional detail should be included in the October 21, 2016 Post-Construction Inspection and Maintenance Checklist document (checklist), as follows:

#### Stormwater Ponds & Bioretention:

1. A visual inspection to determine settling would be difficult. Consider using survey markers with a set reference point.
2. If seeps or leaks are to occur, liners must be repaired or replaced, depending upon the leak severity. The checklist recommends minor repairs and/or liner replacement be done in accordance to the manufacturer's recommendations; however, those recommendations have not been provided. Please provide the manufacturer's recommendations and necessary steps to complete the repair and/or liner replacement and include them in the checklist or provide a specific reference.
3. The checklist should reference the seed mixture and/or planting schedule shown on the approved drawings when discussing maintenance and repair criteria for the wetland and ground cover vegetation. Please identify what it is meant by 'unauthorized plants'. In addition, a note should be added to indicate that the site must be returned to the approved condition when repairs are made.

#### Steep Slopes:

1. Please define 'steep slopes' in the check list.
2. Top soil should be provided along with seeding or plantings to reestablish vegetation in the bare areas. Specify the conditions and/or slopes which will require protection such as erosion control mats, hydro seeding, etc., during repairs.

3. Before repairs can be made, identify the source of erosion. When backfilling ruts, the slopes will need to be protected and inspected on a weekly basis until 80% ground cover is achieved.
4. To better quantify uneven settling, slope markers should be implemented every 100 feet. When the settling is greater than 4" immediately stabilize the area and consult a NYS Licensed Professional Engineer within 2 weeks, before making any additional repairs.
5. Mowing of tall grass (greater than 6" in height) on steep slopes may not be feasible. Consider specifying slope limits for such maintenance activities.


Retaining Walls:

1. A visual inspection to determine settling, bulging and rotation on the retaining walls would be difficult. Consider using survey markers with a set reference point in place of this.
2. Consider adding detection of physical defects (cracks, spalls, etc.) to the inspection checklist.
3. Add more detail in describing the observed movement in the retaining walls on the checklist; it should be described as a cumulative distance from the installed location.

Please include the specific inspection time intervals mentioned in the Post-Construction Inspection and Maintenance Checklist in the Stormwater Pollution Prevention Plan (SWPPP) and on the drawings.

Please call me at (914) 773-4411 if you have any questions regarding the above comments and to schedule a meeting to discuss constructability and sequencing.

Sincerely,



Andreea A. Oncioiu  
Associate Project Manager II  
Regulatory & Engineering Programs

c: (V) Mount Kisco Planning Board - [planning@mountkisco.org](mailto:planning@mountkisco.org)  
Anthony Oliveri, P.E., Dolph Rotfeld Engineering PC - [anthony@drepc.com](mailto:anthony@drepc.com)  
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